

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
Thomas O. BALES et al.) Prior Group Art Unit: 3736
Original Patent No.: 6,024,708) Prior Examiner: S. Gilbert
Original Patent Issue Date: February 15, 2000)
For: RADIAL JAW BIOPSY FORCEPS)

Box REISSUE
Assistant Commissioner for Patents
Washington, DC 20231
Sir:

**SUBMISSION OF DOCUMENT EVIDENCING
POWER TO ACT ON BEHALF OF ASSIGNEE**

Applicants herewith submit, as a documentary evidence, "Limited Authorization to Act on Behalf of Assignee," which includes a statement that Robert M. Rauker (i.e., the person signing the Submission Under 37 C.F.R. § 3.73(b), Consent of Assignee, Statement of Inaccessible Original Patent, and Grant of Power of Attorney) is authorized to act on behalf of the Assignee, Symbiosis Corporation ("Assignee"), owner of the entire right, title, and interest in U.S. Patent No. 6,024,708 by virtue of an assignment.

The "Limited Authorization to Act on Behalf of Assignee" authorizes Robert M. Rauker (1) to act on behalf of Symbiosis Corporation with regard to any matters before the U.S. Patent and Trademark Office, and (2) to execute power of attorney documents on behalf of Symbiosis Corporation to appoint and/or establish any attorneys, agents, and/or law firms to act on behalf of Symbiosis Corporation, and (3) to execute

assignment and ownership documents on behalf of Symbiosis Corporation with regard to any matters before the U.S. Patent and Trademark Office.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 14, 2002

By: 

Leslie Bookoff
Reg. No. 38,084

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AMS Medinvent S.A.; Boston Scientific BV; Boston Scientific Corporation Northwest Technology Center, Inc.; Boston Scientific Ireland Limited; Boston Scientific Japan KK; Boston Scientific Limited; Boston Scientific Scimed, Inc. (formerly known as Schneider (USA), Inc.); Cardiovascular Innovations Canada, Inc.; Corvita Canada, Inc.; Corvita Corporation; Corvita Europe S.A.; EP Technologies, Inc.; Laboratoires Corvita S.A.R.L.; Meadox Medicals, Inc.; NAMIC Eireann Limited; NAMIC International, Inc.; Nilo Holding, S.A.; Schneider (Europe) GmbH; Schneider Belgium NV; Schneider Holland BV; Schneider Ireland BV; Schneider Puerto Rico (formerly known as NAMIC Caribe, Inc.); Schneider/NAMIC; Scimed Life Systems, Inc.; Symbiosis Corporation; Target Therapeutics, Inc.; Cardiac Pathways Corporation; Interventional Technologies, Inc.; Embolic Protection, Inc.; Quantum Corporation; Smart Therapeutics, Inc.; Radio Therapeutics Corporation; and Catheter Innovations Corp.;

hereby authorize the following registered patent attorneys/agents (1) to act on behalf of any of the corporations identified above, including Boston Scientific Corporation, with regard to any matters before the United States Patent and Trademark Office, any foreign patent offices, and any international patent entities, (2) to execute power of attorney documents on behalf of any of the corporations identified above, including Boston Scientific Corporation, to appoint and/or establish any attorneys, agents, and/or law firms to act on behalf of any of the corporations identified above, including Boston Scientific Corporation, in any foreign or international patent applications filed with any foreign and/or international patent offices, and (3) to execute assignment and ownership documents on behalf of any of the corporations identified above, including Boston Scientific Corporation, with regard to any matters before the United States Patent and Trademark Office, any foreign patent offices, and any international patent offices:

Scott T. Bluni	Reg. No. 40,916
Mark J. Casey	Reg. No. 37,796
James R. Chiapetta.....	Reg. No. 39,634
Luke R. Dohmen.....	Reg. No. 36,783
Peter J. Gafner	Reg. No. 36,517
Albert K. Kau	Reg. No. 40,672
Steven A. McAuley.....	Reg. No. 46,084
Todd P. Messal.....	Reg. No. 42,883
Robert M. Rauker.....	Reg. No. 40,782
William J. Shaw.....	Reg. No. 43,111

1/4/2002
Date

COMMONWEALTH OF MASSACHUSETTS)
)
COUNTY OF MIDDLESEX) ss.

Wona E. Hurd
Notary Public

NONA E. HURD
NOTARY PUBLIC
My Commission Expires Oct. 4, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:)
)
Thomas O. Bales, et al.)
)
Reissue Application for)
Patent No.: 6,024,708) Prior Group Art Unit: 3736
)
Original Patent Issue Date:) Prior Examiner: S. Gilbert
February 15, 2000)
)
For: RADIAL JAW BIOPSY FORCEPS)

Box REISSUE
Assistant Commissioner for Patents
Washington, DC 20231
Sir:

**CONSENT OF ASSIGNEE, STATEMENT OF INACCESSIBLE
ORIGINAL PATENT, AND GRANT OF POWER OF ATTORNEY**

Symbiosis Corporation ("Assignee"), owner of the entire right, title, and interest in U.S. Patent No. 6,024,708 by virtue of an assignment, recorded in the U.S. Patent Office at Reel 6019, Frame 0896, hereby consents to the filing of the above-identified reissue application.

Pursuant to 37 C.F.R. § 1.178, Symbiosis Corporation hereby states that the original patent is inaccessible because Symbiosis Corporation, and its attorneys prosecuting the patent, did not receive the original Letters Patent 6,024,708, issued on February 15, 2000. Symbiosis Corporation petitioned for a replacement of the original Letters Patent on April 17, 2000 and the petition was granted on July 13, 2000, yet no replacement Letters Patent has been received thus far by Symbiosis Corporation or by its attorneys prosecuting the patent.

Pursuant to 37 C.F.R. § 3.73(b), Assignee hereby states that the documents evidencing Assignee's ownership of the entire right, title, and interest in U.S. Patent No. 6,024,708 have been reviewed and that to the best of Assignee's knowledge and belief, title is in the Assignee.

Pursuant to 37 C.F.R. § 3.71, Assignee hereby grants power of attorney to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P. I hereby appoint the following attorney and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. **FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., CUSTOMER NUMBER 22,852**, Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins,

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**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.**
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The undersigned (whose title is supplied below) is empowered to sign this
Consent of Assignee, Statement of Inaccessible Original Patent, and Grant of Power of
Attorney on behalf of the Assignee.

Signature: Robert M. Rawker
Name: Robert M. Rawker
Title: Senior Patent Counsel
Date: February 11, 2002

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Submission Under 37 CFR 3.73(b)

Applicant: Thomas O. BALES, et al.

Reissue Application of U.S. Patent No. 6,024,708, issued on February 15, 2000

For: RADIAL JAW BIOPSY FORCEPS

Symbiosis Corporation, a corporation of Florida

submits that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 6019, Frame 0896.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: To:
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.
2. From: To:
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.
3. From: To:
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments of other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section

1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 11, 2002

Name: Robert M. Rauker

Title: Senior Patent Counsel

Signature: Robert M Rauker

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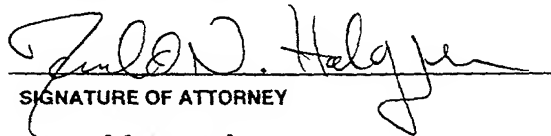
4. Fee Payment (37 CFR 1.21(h))

- ☐ Attached is a check in the sum of \$8.00. \$40.00
☒ Charge Account No. 02-3243 the sum of ~~\$8.00~~ A duplicate
of this recordal request is attached.

NOTE: 37 CFR 1.21(h). For recording each assignment, agreement or other paper relating to the property in a patent or application, per property, \$8.00.

Tel. No. (617) 972-4455

Reg. No. 27056


SIGNATURE OF ATTORNEY

Donald N. Halgren

Type or print name of attorney

480 Pleasant St.

P.O. Address

Watertown, MA 02172

REEL 601, 6 FRAMES 57



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of*: Bales, T., et al
Serial No.: 07 / 521,766 Group No. 3305
Filed: 05/10/90 Examiner: Akers, S.
For*: Radial Jaw Biopsy Forceps

☐ Patent:

Issued:

*NOTE: Insert name(s) of inventor(s) and title also for patent. Where recordal is with respect to a maintenance fee payment also insert application serial number and filing date and add Box M. Fee to address.

Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECORDAL OF ASSIGNMENT (37 CFR 1.331)

1. Kindly record the enclosed assignment for the above identified
☒ application
☐ patent
2. When recordal has been effected, please return the original assignment document to the undersigned.
3. Change of patent maintenance fee address

(complete if applicable)

- ☐ A change of address to which correspondence is to be sent regarding patent maintenance fees for the patent listed above is being sent separately.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Donald N. Halgren

(Type or print name of person mailing paper)

Date 3/19/92

[Signature]
(Signature of person mailing paper)

Express Mail No. GB282292901

0814178 03 26/92 07521766

02-3243 140 581

40.00CH

31617201

(Recordal of Assignment [16-5])

RECEIVED

MAR 27 PM 1:23

ASSIGNMENT BRANCH

FILE 601,6 FRAMES 56

ASSIGNMENT

WHEREAS, we, Thomas O. Bales, Charles R. Slater and Kevin W. Smith, hereinafter referred to as the "Inventors", citizens of U.S.A., whose post office addresses are

430 Loretto Avenue, Coral Gables, FL 33146;
1705 S.W. 4th Street, Fort Lauderdale, FL 33312; and
8940 S.W. 112th Street, Miami, FL 33176; respectively

have invented certain new and useful improvements in

RADIAL JAW BIOPSY FORCEPS

as described and set forth in an application for Letters Patent of the United States of America, filed by us on the 10th day of May, 1990 as U.S. Serial No. 07/521,766.

AND WHEREAS, SYMBIOSIS CORPORATION hereinafter referred to as the "said COMPANY", a corporation duly organized, incorporated and existing under the laws of Florida and having a place of business at 8600 N.W. 41st Street, Miami, FL 33166 is desirous of acquiring or confirming its acquisition of the entire right, title and interest in and to said invention, inventions or improvements, and in and to said application, and in and to any and all patents, both of the United States and of all foreign countries, that may be obtained therefor;

NOW, THEREFORE TO ALL WHOM IT MAY CONCERN, BE IT KNOWN, that we, the Inventors, for good and valuable considerations, the receipt and sufficiency of which we hereby acknowledge, have sold, assigned, transferred and conveyed, and by this assignment do sell, assign, transfer and convey, unto said COMPANY, its successors and assigns, the entire right, title and interest throughout the world, in and to our invention, inventions or improvements described or set forth in said application, in any form or embodiment thereof, and in and to said application, and in and to any applications filed in any foreign country based thereon, including the right to file foreign applications under the provisions of any convention or treaty; and in and to any confirmation, divisional, continuation, continuation-in-part, or substitute application which may be filed on said invention, inventions or improvements in the United States or in any foreign country; and in and to any and all patents, certificates, utility models, reissues, extensions, additions or confirmations thereof which may be granted in the United States or in any foreign country upon said invention, inventions or improvements, TO HAVE AND TO HOLD the same to the full end of the term or terms for which any and all such United States and foreign patents and grants may be issued on said invention, inventions or improvements.

AND we do hereby authorize and request the issuing authority to issue any and all of said United States and foreign patents on said application or applications to said COMPANY, its successors and assigns, as the assignee of the entire right, title and interest in and to the same, for the sole use and benefit of said COMPANY, its successors and assigns.

AND we do hereby covenant and warrant that we have full right to convey the entire right, title and interest herein assigned free and clear of all licenses, encumbrances and liens whatsoever, and that we have not executed and will not execute any instruments in conflict herewith.

AND we, for the conditions aforesaid, do hereby covenant and agree to and with the said COMPANY, its successors and assigns, that we, our executors, administrators, or other personal representatives, shall and will do all lawful acts and things, make all rightful oaths, and make, execute, and deliver any and all other instruments in writing, and any and all further applications, papers, powers, affidavits, assignments, disclaimers and other documents, which in the opinion of counsel for said

RECEIVED MAY 16 1990

COMPANY, its successors and assigns, may be required or necessary in this or in any foreign country more effectually to secure to and vest in said COMPANY, its successors and assigns, the entire right, title and interest in and to said invention, inventions, or improvements, application or applications, patents, rights, titles, benefits, privileges and advantages hereby sold, assigned, confirmed, transferred and conveyed.

IN WITNESS WHEREOF, we, Thomas O. Bales, Charles R. Slater and Kevin W. Smith, have hereunto set our hands and seals this 12th day of February, 1992.

Thomas O. Bales 2/12/92 (L.S.)
Inventor

Charles R. Slater (L.S.)
Inventor

Kevin W. Smith (L.S.)
Inventor

State of Florida)

Dade County)

ss: Miami

BE IT KNOWN, that on this 12th day of February, 1992, personally appeared Thomas O. Bales, Charles R. Slater and Kevin W. Smith to me known and known to me to be the individuals described in and who executed the foregoing assignment and they acknowledged to me that they executed the same.

John W. Williams
Notary Public

S E A L

My commission expires :

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: JUNE 21, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

RECORDED
PATENT AND TRADEMARK
OFFICE

MAR 19 1992

PATENT

Customer No. 22,852

Attorney Docket No. 06530.0290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:

Thomas O. BALES et al.

Reissue Application for
Patent No.: 6,024,708Original Patent Issue Date:
February 15, 2000

For: RADIAL JAW BIOPSY FORCEPS

Prior Group Art Unit: 3736

Prior Examiner: S. Gilbert

Box REISSUE

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

We, Thomas O. BALES, Charles R. SLATER, and Kevin W. SMITH, hereby
declare that:

1. We believe we are the original, first, and joint inventors of the subject
matter claimed in U.S. Patent No. 6,024,708, granted February 15, 2000, and for which
a reissue patent is sought on the invention entitled "RADIAL JAW BIOPSY FORCEPS."

2. We have reviewed and understand the contents of the above-identified
reissue application, including the claims.

3. We acknowledge the duty to disclose information which is material to the
examination of this reissue application in accordance with Title 37, C.F.R. § 1.56(a).

4. We believe that U.S. Patent No. 6,024,708 is partially inoperative because
we claimed less than we had a right to claim in that patent. Thus, we respectfully
request new claims 33-80 be added to broaden the scope of allowed independent

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Attorney Docket No. 06530.0290

claims 1 and 21 of the 6,024,708 patent. In particular, newly added independent claims 33 and 53 broaden the claimed subject matter of allowed claims 1 and 21, respectively. Claims 33 and 53 recite, among other things, an edge of the distalmost end of one of the jaws (or first jaw) includes teeth radially disposed about the center point, and an edge of the distalmost end of the other jaw (or second jaw) includes at least one tooth, whereas claims 1 and 21 recite "an edge of the distalmost end of each of the jaws includes teeth radially disposed about the center point." That is, the broadening language recites one jaw as having radially disposed teeth (though the claims still cover the instance where both jaws have radially disposed teeth. The language of dependent claims 34-52 and 54-64 substantially corresponds to that of dependent claims that issued in U.S. Patent No. 6,024,708. Similarly, we also request new claims 65-80 be added. These claims have similar language as the claims that issued in U.S. Patent No. 6,264,617, but independent claims 65 and 74 in this group recite one jaw as having radially disposed teeth.


5. All errors being corrected in the reissue application up to the time of filing of the present Declaration arose without any deceptive intention on our part.

6. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Attorney Docket No. 06530.0290

Full Name of First Inventor	Inventor's Signature	Date
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Full Name of Second Inventor	Inventor's Signature	Date
Charles R. Slater		
Residence		Citizenship
1705 S.W. 4 th Street, Fort Lauderdale, Florida 33312		U.S.A.
Full Name of Third Inventor	Inventor's Signature	Date
Kevin W. Smith		
Residence		Citizenship
8940 S.W. 112 th Street, Miami, Florida 33176		U.S.A.

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